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Report of the Working Group on the Universal Periodic Review*

Italy

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

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Response of the Government of Italy to recommendations in the report of 10 December 2014 of the Working Group on the Universal Periodic Review (A/HRC/28/4)

1. Italy welcomes the recommendations made during its Universal Periodic Review on October 27th, 2014. Italy accepts the following recommendations, considering them already implemented or under implementation: No. 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 183, 184, 185, 186.

2. On the remaining recommendations, Italy wishes to express the following considerations:

Recommendations No. 145.1-145.6

3. **Not accepted.**

The Italian legal framework already guarantees the rights of regular and irregular migrants. Following the ratification of ILO Conventions C 143 (concerning migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers) and C189 (concerning domestic workers) Italy has accepted to be periodically reviewed on the implementation of both Conventions at the domestic level. With regard to the latter a first report has already been submitted illustrating the protection of domestic workers on the national territory.

Additionally, Italy is committed to promoting a debate at the European level on this topic, aimed at countering trafficking in human beings, as requested both in the UN and Council of Europe systems with reference to the present legislative and operational framework.

Recommendations No. 145.126-145.127

4. **Not accepted.**

The protection of children from all forms of violence within the family, including even mild corporal punishment, is enshrined in Articles 2, 3, 29, 30 and 31 of the Italian Constitution. The protection of children from "all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child" also flows from the 1989 United Nations Convention on the Rights of the Child, which Italy incorporated into national law in Law No. 176 of 1991.

Article 572 of the Criminal Code punishes with imprisonment any ill-treatment of children within the family. In Italian law ill-treatment means "any form of physical or psychological abuse, any behaviour likely to result in a state of physical or spiritual prostration or any form of submission" and "all forms of harassment of a child by an adult or a person belonging to the same household". The penalties are more severe when the ill-treatment results in physical injury or death, and depending on the presence of aggravating circumstances. In addition to the criminal sanctions against abusers, there is a whole range

of measures in civil law to protect children who are victims of abuse. When bringing proceedings under Article 572 of the Criminal Code, the Public Prosecutor is required to inform the Youth Court that has territorial jurisdiction and to ensure that the child concerned is assisted by the social services (Article 609decies of the Criminal Code). The Youth Court may order the abuser to stay away by means of the protection orders provided for in Article 342bis of the Civil Code, or may have the child taken away, if necessary (last paragraph of Article 333 of the Civil Code).

The Court of Cassation has extensively interpreted Article 571 of the Criminal Code asserting that the use of any degree of violence may not be regarded as a lawful correctional measure, but comes under the category of ill-treatment which is explicitly prohibited by Article 572 of the Criminal Code. Correctional measures (*jus corrigendi*) are therefore to be understood to mean only a system of instructions, guidelines and potential orders and advice, as well as prohibitions and mild penalties for failure to comply, all falling within the sphere of the bringing up of children.

Recommendation No. 145.170

5. **Not accepted.**

Italy did not carry out summary returns to Greece. Operational procedures at borders have been implemented according to a case-by-case approach. Each migrant is properly identified and all personal details are managed by the competent authorities in order to monitor the individual case and related assistance measures. Specific inquiries could be followed up on specific summary return cases, if precise references are made available.

Recommendation No. 145.182

6. **Partly accepted.**

Programs to integrate are forwarded to all regular migrants entitled to stay in Italy. With particular regard to migrants arriving in Italy by boat, they are received and hosted with full respect for their human rights. As to their inclusion within national plans and integration programs, this is allowed only to refugees, asylum seekers or to those entitled to humanitarian protection.